

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE:

LOCAL TV ADVERTISING ANTITRUST
LITIGATION

This Document Relates to All Actions

MDL No. 2867

No. 18 C 6785

Honorable Virginia M. Kendall

**JOINT MOTION TO PARTIALLY EXTEND GRAY TELEVISION, INC.’S DEADLINE
TO RESPOND TO THE OPERATIVE COMPLAINT**

Plaintiffs Thoughtworx, Inc. d/b/a MCM Services Group and One Source Heating & Cooling, LLC (collectively, “Plaintiffs”) and Defendant Gray Television, Inc. respectfully move this Honorable Court for an Order partially extending Gray Television, Inc.’s deadline to respond to Plaintiffs’ operative complaint. In support of this motion, the parties state as follows:

1. On November 13, 2018, the Department of Justice named Raycom Media, Inc. in a lawsuit alleging that Raycom Media, Inc. had violated the federal antitrust laws. That same day, it announced a settlement with Raycom Media, Inc. and five other broadcasters.
2. On January 2, 2019, Gray Television, Inc. completed its acquisition of Raycom Media, Inc.
3. On April 3, 2019, Plaintiffs filed their Consolidated Amended Antitrust Class Action Complaint, which named Gray Television, Inc. as a defendant liable for the alleged actions of Raycom Media, Inc. as a result of the merger between the two companies. ECF No. 223.
4. On May 30, 2019, counsel for Gray Television, Inc. wrote to Plaintiffs’ counsel representing that—as a result of the nature of the “reverse triangular merger” involving Gray

Television, Inc. and Raycom Media, Inc.—Gray Media Group, Inc.¹ (a fully owned subsidiary of Gray Television, Inc.) was the sole entity with potential liability for the antitrust claims at issue in this action and thus the entity within Gray’s corporate family that was the proper party to this lawsuit.

5. Gray Television, Inc. presently plans to file a five-page motion to dismiss on this unique basis, while joining in the defendants’ joint brief as to all other Rule 12 issues.

6. Counsel for Plaintiffs and Gray Television, Inc. met and conferred on June 3 & 4, 2019 and believe it is likely that they can reach a resolution satisfactory to each side that amends the operative complaint only in-so-far as it substitutes Gray Media Group, Inc. as a defendant in place of Gray Television, Inc. and Raycom Media, Inc., subject to reaching terms on an appropriate tolling agreement should it later be determined that Gray Television, Inc. should have been named as a defendant.

7. The parties propose that Gray Television, Inc. have an extension of 14 days—from June 5, 2019 until June 19, 2019—to file their 5-page motion on this unique issue while the parties attempt to reach a resolution that will likely avoid burdening the Court with an unnecessary motion to dismiss. Gray Television, Inc. will join in the joint brief to be filed by all defendants on June 5, 2019. In the event the parties cannot reach such a resolution, Gray Television, Inc. will file its 5-page motion on this unique issue on June 19, 2019; Plaintiffs will file a 5-page opposition on August 21, 2019. No other deadlines, including the deadlines for the opposition and reply brief in opposition to and in support of the joint motion to dismiss shall be altered.

¹ Following Gray Television, Inc.’s acquisition of Raycom Media, Inc., Raycom Media, Inc. was renamed Gray Media Group, Inc.

WHEREFORE, the moving parties request the entry of an order partially extending Gray Television, Inc.'s deadline to respond to the operative complaint—on the sole issue of whether Gray Television, Inc. is the proper entity within the Gray corporate family to be named as a defendant in this action—until June 19, 2019, while the parties attempt to resolve this dispute. In the event the parties cannot resolve the dispute and Gray Television, Inc. files a motion on this basis, Plaintiffs response will be due August 21, 2019. No other deadlines will change.

Dated: June 4, 2019

/s/ Megan E. Jones

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Respectfully submitted,

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